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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,089	05/06/2005	Jon Shipman	36692.00.0004	2450

7590 10/12/2007  
Vedder Price Kaufman & Kammholz  
222 North LaSalle Street  
Chicago, IL 60601

EXAMINER
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HEWITT, JAMES M

ART UNIT	PAPER NUMBER
3679	

MAIL DATE	DELIVERY MODE
10/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/534,089	SHIPMAN, JON
	<b>Examiner</b>	<b>Art Unit</b>
	James M. Hewitt	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 01 August 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 4-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (GB 2 288 860 A).

With respect to claim 1, Adams discloses a kit of parts for use in fabricating an air-conditioning system comprising: a tubing component (10) having at least two in-line sections (16A, 16B, 16C) with different external diameters; and a set of connection means (jubilee clips), each connection means having dimensions such that it may be joined to the tubing component at a respective section (e.g. 16A) and to enable connection to a pipe (11B) of substantially the same diameter as the respective section (16A).

With respect to claim 2, wherein each connection means comprises a locking ring. A jubilee clip is considered to be a locking ring.

With respect to claim 4 and with particular reference to page 5 of the specification, Adams discloses a method of connecting a tubing component to a pipe

comprising the steps of: providing a tubing component (10) with at least two in-line sections (16A, 16B, 16C) with different external diameters; selecting a section (16A) with substantially the same diameter to that of the pipe (11B); when if the selected section is not at an end of the tubing component, cutting the tubing component in the vicinity of the selected section so that the selected section is at an end of the tubing component; providing a set of connection means (jubilee clips) in a range of sizes; selecting a connection means of suitable dimensions for joining to the selected section; and joining the selected connection means both to the tubing component at the selected section and to the pipe (refer to FIG. 2).

With respect to claim 5, wherein each connection means comprises a locking ring. A jubilee clip is considered to be a locking ring.

With respect to claim 6, Adams discloses kit of parts for use in fabricating an air-conditioning system, comprising: a tubing component (10) having at least two in-line sections (16A, 16B, 16C) with different external diameters; and means for connecting (jubilee clip) any of the sections of the tubing component to a pipe (11B) of substantially the same diameter as the section (16A) of the tubing component.

A jubilee clip is considered to be a locking ring.

With respect to claims 1, 4 and 5, the phrase "connection means" is not considered to invoke 35 USC 112 6<sup>th</sup> paragraph as it does not meet the three-prong analysis as outlined in MPEP 2181.

### ***Response to Arguments***

Applicant's arguments filed 8/1/07 have been fully considered but they are not persuasive.

Applicant argues "Adams fails to teach, among other things, that each connection means is dimensioned to enable connection to a pipe of substantially the same diameter as the respective section. Rather, Adams teaches a hose (reference numeral 11) that fits onto (i.e., outside of) a connector (reference numeral 16) (page 5, second paragraph); thus, the diameter of the hose does not appear to be substantially the same as the diameter of the connector." Examiner disagrees. The diameter of the hose is substantially the same as the diameter of the connector. And thus, Adams' connection means is dimensioned to enable connection to a pipe of substantially the same diameter as the respective section. Note also that the diameter of a jubilee clip is adjustable.

Applicant argues "[C]laim 4 requires 'selecting a section of the tubing component with substantially the same diameter as the pipe.' Applicant respectfully reasserts the relevant remarks made above regarding Adams's teaching of a hose that fits onto a connector; as such, Adams does not teach selecting a section of a tubing component with substantially the same diameter as a pipe." Examiner disagrees. Adams' hose

(11B) is substantially the same diameter as that of section (16A) of tubing component (10).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
10/4/07



JAMES M. HEWITT  
PRIMARY EXAMINER